

MAR 05 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT GREY, aka Dice,

Defendant - Appellant.

No. 07-50032

D.C. No. CR-06-00295-R-9

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted February 18, 2009^{**}

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Robert Grey appeals from the 57-month sentence imposed following his guilty-plea conviction for conspiracy to import MDMA, in violation of 21 U.S.C.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§§ 952, 960(a), (b)(1)(G), and 963. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Grey's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Grey has filed a pro se supplemental brief. The government has filed a motion to dismiss this appeal for lack of jurisdiction.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable issues on direct appeal.

The government's motion to dismiss for lack of jurisdiction is **DENIED**.
See United States v. Jacobo Castillo, 496 F.3d 947, 954 (9th Cir. 2007) (en banc).

Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.